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1 (1) The Motion indicates that it is a “second” motion, but the Motion fails to
2 comply with LBR 9013-1(l) requiring that:

3 **Motion Previously Denied.** Whenever any motion for an order or other relief
4 has been made to the court and has been denied in whole or in part, or has been
5 granted conditionally or on terms, and a subsequent motion is made for the same
6 relief in whole or in part upon the same or any allegedly different state of facts,
7 it is the continuing duty of each party and attorney seeking such relief to present
8 to the judge to whom any subsequent motion is made, a declaration of a party
9 or witness or certified statement of an attorney setting forth the material facts
10 and circumstances surrounding each prior motion including:

11 (1) The date of the prior motion;
12 (2) The identity of the judge to whom the prior motion was made;
13 (3) The ruling, decision or order on the prior motion;
14 (4) The new or different facts and circumstances claimed to exist, which
15 either did not exist or were not shown upon the prior motion; and
16 (5) The new or different law or legal precedent claimed to exist, which
17 either did not exist or were not shown upon the prior motion.

18 The failure to comply with the foregoing requirement is grounds for the court
19 to set aside any order or ruling made on the subsequent motion, and ***subjects***
20 ***the offending party or attorney to sanctions.***

21 LBR 9013-1(l) (emphasis added);

22 (2) The Motion does not present any cognizable argument or request for relief to
23 which the Debtor and other parties in interest can formulate a response;

24 (3) To the extent that the Motion purports to relate to the property located at 944
25 Airole Way, Bel-Air, California 90077 (the “Property”), the Property has been sold pursuant to an
26 order to which Mr. Smith did not file a timely appeal (the “Sale Order”) [See Dkt. 247], and the
27 Motion does not present any cognizable legal theory as to why the Sale Order should be overturned
28 or modified in any manner whatsoever; and

(4) Mr. Smith has filed numerous other pleadings with the Court that do not
comply with the Local Bankruptcy Rules and that do not present cognizable arguments or claims
for relief, most, if not all, of which were denied by the Court. [See Dkts. 128, 132, 135, 137, 154,

1 156, 158, 159, 163, 168, 175, 179, 404, 425 and 446.] The Debtor and, thus, the estate has expended
2 material time and resources responding to such pleadings filed by Mr. Smith.

3 **WHEREFORE**, based on the foregoing, the Debtor requests that the Court enter an order
4 (1) denying the Motion in its entirety, (2) admonishing Mr. Smith that the filing of any further
5 pleadings that do not present cognizable arguments or claims for relief may result in an order to
6 show cause by the Court as to why Mr. Smith should not be sanctioned, and (3) providing such
7 further and other relief as is warranted under the circumstances.

8 Dated: February 23, 2023

9 LEVENE, NEALE, BENDER, YOO
10 & GOLUBCHIK L.L.P.

11 By: /s/ David B. Golubchik
12 DAVID B. GOLUBCHIK
13 TODD M. ARNOLD
14 Attorneys for Debtor and
15 Debtor in Possession

1 PROOF OF SERVICE OF DOCUMENT

2 I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business
3 address is 2818 La Cienega Avenue, Los Angeles, CA 90034.

4 A true and correct copy of the foregoing document entitled **Opposition To Second Motion For
Acceptance To Include Full Settlement & Closure And Order(S) For Transfer And Other
Confirmation(S) Supra Protest** will be served or was served (a) on the judge in chambers in the form
5 and manner required by LBR 5005-2(d); and (b) in the manner stated below:

6 **1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to
7 controlling General Orders and LBR, the foregoing document will be served by the court via NEF and
8 hyperlink to the document. On **February 23, 2023**, I checked the CM/ECF docket for this bankruptcy
case or adversary proceeding and determined that the following persons are on the Electronic Mail
Notice List to receive NEF transmission at the email addresses stated below:

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